IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.515 OF 2005
IN
APPEAL FROM ORDER NO.1221 OF 1995

M/s.Liberty Avertising & Ors. ...Applicants
vs.
Court Receiver,High Court,Bombay ...Respondents

CORAM: A.S.OKA,J.
DATE : APRIL 8,2005.

P.C.:

1. Heard Shri Tated for the Applicants. Prayer made in this Application for grant of leave to the Applicants to implead the Court Receiver, High Court as party Respondent in Municipal Appeal St.No.284 of 2004. Shri Tated submits that the Court Receiver is possessing all the records and the said record will be necessary for the purpose of establishing the case of the Applicants in the said Appeal.

2. The Appeal is under section 214 of Mumbai Municipal Corporation Act, 1888. The dispute is relating to assessment of ratable value. In such an Appeal, Court Receiver is neither necessary nor proper party. If the Receiver is possessing record which is required to be produced as evidence, the Applicants can always apply to the concerned court for issuing witness summons for production of the entire record in the custody of the Court Receiver. The concerned court will consider the said Application in accordance with law.

3. In view of this position, prayer made in the application cannot be granted at this stage. Subject to observations made above, application is rejected with no order as to costs.

4. Court Receiver and the parties to act upon an authenticated copy of this order.

JUDGE.